

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION**

LAWRENCE DALE FOSTER,

Plaintiff,

CASE NO: 10-12616

vs.

DISTRICT JUDGE THOMAS L. LUDINGTON  
MAGISTRATE JUDGE CHARLES E. BINDER

RODGER WILLIAMS, Chief,  
City of West Branch Police Dept.,

Defendant.

/

**ORDER ON PLAINTIFF'S MOTION FOR COUNSEL**

This order is entered under the authority given to this Magistrate Judge by an Order of Reference issued by District Judge Ludington pursuant to 28 U.S.C. § 636(b)(1)(A).

Except in rare circumstances, it is the practice of this Court to attempt to obtain counsel in civil rights cases only after a motion to dismiss or for summary judgment has been denied. In this case, the Defendant has yet to be served. In addition, although federal district courts have the discretion under 28 U.S.C. § 1915(e)(1) to “request an attorney to represent any person unable to afford counsel,” there is no constitutional right to court appointed counsel in a civil case. *Abdur-Rahman v. Michigan Dep’t of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995). The appointment of counsel is only justified by exceptional circumstances. *Lavado v. Keohane*, 992 F.2d 601, 605-06 (6th Cir. 1993). In determining whether exceptional circumstances are present, the court is to consider the complexity of the factual and legal issues involved, and the plaintiff’s ability to represent himself. *Id.* at 606. After an initial reading of the Complaint, it does not appear there are any exceptional circumstances that would justify appointment of counsel at this time.

Accordingly, **IT IS ORDERED** that Plaintiff's motion is **DENIED WITHOUT PREJUDICE**. The U.S. Marshal's Service has been directed to serve the Defendant. Should this case survive an initial dispositive motion, the Plaintiff may again request that the Court attempt to secure the services of an attorney to represent him on a *pro bono* basis.

Review of this Order is governed by 28 U.S.C. § 636(b)(1), FED R. CIV. P. 72, and E.D. Mich. LR 72.1(d).

s/ Charles E Binder

CHARLES E. BINDER  
United States Magistrate Judge

Dated: July 13, 2010

**CERTIFICATION**

I hereby certify that this Order was electronically filed this date, and served on Lawrence Dale Foster by first class mail at 343 S. Third St., West Branch, MI, 48661-1333.

Date: July 13, 2010

By s/Jean L. Broucek  
Case Manager to Magistrate Judge Binder